

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PATRICIA SCALISE,

Plaintiff,

VS.

VILLAGE OF MCCOOK,
ILLINOIS,

Defendant.

COMPLAINT AND JURY DEMAND

Plaintiff, PATRICIA SCALISE (“Plaintiff” or “Scalise”), by and through her undersigned attorney, Josh M. Friedman, complains against the Defendant, VILLAGE OF MCCOOK, Illinois (“Defendant”), as follows:

INTRODUCTION

1. This is an action against Defendant under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e *et seq.*, arising out of Plaintiff's employment with Defendant and her discharge by Defendant.

PARTIES

2. Plaintiff is a female individual who resides in this judicial district.

Plaintiff is a citizen of the United States of America, and is entitled to all the rights, privileges and immunities guaranteed to all citizens of the United States under the Constitution and Laws of the United States.

3. Defendant is a municipal corporation located in this judicial district. Upon information and belief, at all times relevant hereto, Defendant employed in excess of 500 employees. Defendant is therefore an employer for purposes of Title VII.

JURISDICTION AND VENUE

4. This action arises under federal law, and jurisdiction in this Court is therefore proper under 28 U.S.C. § 1331.

5. Venue is proper pursuant to 28 U.S.C. § 1391 as this is the judicial district where the unlawful employment practices alleged herein occurred.

6. Plaintiff timely filed a Charge of Discrimination with the Equal Employment Opportunity Commission on or about May 20, 2021, Charge No. 440-2021-04186, claiming that she had been discriminated against based on her gender, female.

7. The U.S. Equal Employment Opportunity Commission (“EEOC”) issue a Notice of Right to Sue to Plaintiff on May 16, 2022. Plaintiff filed this action within 90 days of her receipt of that Notice. (A copy of the Right to Sue Notice is attached hereto and incorporated herein by reference as Exhibit A.)

8. Plaintiff has exhausted her administrative remedies and has standing to file this action against Defendant.

9. Plaintiff, a female individual, began her employment with Defendant on or about June 24, 2019. She was hired by Defendant's police department as a probationary police officer.

10. At all times relevant hereto, Plaintiff performed her work satisfactorily, and never received any warnings about any problems with her performance, her attendance, or her conduct.

11. Plaintiff's commanding officer, David DeLeshe, made numerous offensive and unwelcome comments directed to Plaintiff's gender during her employment, including but not limited to calling her sleazy, telling her that she would make more money working in a strip club, and stating that women have no business working as police officers.

12. DeLeshe fired Plaintiff on or about March 2, 2021, telling her that she was unfit to be a police officer, even though he did not explain what he meant, or give her any other basis for her discharge.

13. At least one similarly situated male probationary officer who was hired at or near the same time as Plaintiff committed documented rules violations, but was not discharged, and Defendant made him a full-time, non-probationary police officer.

14. Defendant discriminated against Plaintiff on the basis of her sex, female, in violation of Title VII by firing her because of her gender.

15. As a direct and proximate result of the discriminatory practices alleged herein, Plaintiff has suffered lost compensation and other monetary

benefits, severe emotional and psychological distress, and other forms of damage to be proven at trial.

WHEREFORE, Plaintiff prays for the following relief:

- (a) Trial by Jury on the charges raised in her Complaint, and those investigated with the EEOC and advancement on the Court's docket for a speedy hearing;
- (b) That a declaratory judgment be issued that Plaintiff's rights have been violated as alleged above and that the practices complained of herein are unlawful and in violation of the acts cited;
- (c) That the Court permanently enjoin Defendant, its agents, successors, officers, employees and attorneys and those acting in concert with them from engaging in each of the unlawful practices, policies, customs, and usages set forth herein, and from continuing any and all other practices shown to be in violation of applicable law;
- (d) That Plaintiff have and recover from the Defendant back wages and lost benefits with interest, pre and post judgment interest, front pay, compensatory and punitive damages for emotional pain, suffering, inconvenience, mental anguish and other non-pecuniary losses for Defendant's conduct and for any other damages to which Plaintiff may be entitled under federal law;
- (e) That Plaintiff be awarded her costs and disbursements of this action, including reasonable attorney's fees, pursuant to the Civil Rights Attorneys Fee Award Act of 1976, 42 U.S.C. § 1988 and any other attorney fee statutes; and
- (f) Grant such other relief as the Court deems just and proper.

PLAINTIFF DEMANDS A TRIAL BY JURY.

Respectfully Submitted,

PATRICIA SCALISE

By /s/Josh Friedman

Her attorney

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U.S. Department of Justice
Civil Rights Division
NOTICE OF RIGHT TO SUE WITHIN 90 DAYS

VIA EMAIL

150 M Street, N.E.
Karen Ferguson , EMP, 4CON, Room 9.514
Washington, DC 20530

May 16, 2022

Ms. Patricia Scalise
c/o Josh M. Friedman, Esquire
The Law Offices of Josh Friedman
1759 N. Hoyne Ave.
Chicago, IL 60647

Re: EEOC Charge Against Village of McCook, Illinois
No. 440202104186

Dear Ms. Scalise:

Because you filed the above charge with the Equal Employment Opportunity Commission, and more than 180 days have elapsed since the date the Commission assumed jurisdiction over the charge, and no suit based thereon has been filed by this Department, and because you through your attorney have specifically requested this Notice, you are hereby notified that you have the right to institute a civil action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. 2000e, et seq., against the above-named respondent.

If you choose to commence a civil action, such suit must be filed in the appropriate Court within 90 days of your receipt of this Notice.

The investigative file pertaining to your case is located in the EEOC Chicago District Office, Chicago, IL.

This Notice should not be taken to mean that the Department of Justice has made a judgment as to whether or not your case is meritorious.

Sincerely,

Kristen Clarke
Assistant Attorney General
Civil Rights Division

by /s/ Karen L. Ferguson
Karen L. Ferguson
Supervisory Civil Rights Analyst
Employment Litigation Section

cc: Chicago District Office, EEOC
Village of McCook, Illinois

Exhibit A